IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

Bail Appl..No. 4796 of 2007()

CRIME NO.128/2007 OF KUDIYANMALA POLICE STATION

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PETITIONER/ACCUSED:

JOHNSON JOSEPH @ SEBASTIAN, S/O.JOSEPH,
AGED 41 YEARS, AGRICULTURIST, PERUTHRIKKAL,
NELLIKUTTY P.O., ERUVESSY AMSOM,TALIPARAMBA TALUK.

BY ADV. SRI.T.K.KUNHABDULLA

RESPONDENTS: COMPLAINANT:

S.H.O., KUDIYANMALA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4796 of 2007

Dated this the 13th day of August 2007

O R D E R

Application for anticipatory bail. The short allegation against the petitioner is that from his cow shed, on 21/7/2007, an equipment for transferring L.P.G from gas cylinders to motor vehicle tanks was recovered by the detecting officer. Investigation is in progress. The petitioner has not been arrayed as an accused so far. The learned Public Prosecutor submits that the investigating officer does not at present have any intention to arrest the petitioner. But the possibility of such arrest in future cannot be ruled out. Nothing has been recovered which would suggest that the petitioner had actually indulged in any objectionable act. The possession of the equipment will of course have to be explained by the petitioner.

2. I am satisfied that subject to appropriate conditions, the petitioner can be granted anticipatory bail. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall make himself available for interrogation before the investigating officer on 20/08/2007,

21/08/2007 and 22/08/2007 between 10 a.m and 1 p.m. If the petitioner, after such interrogation, were arrested on those days or on any later day, he shall be released on bail on condition that:

i) He executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007